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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,211	06/14/2001	Bernhard Jansen	Mo-6368/Lea 33,233	6996

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BAYER CORPORATION  
PATENT DEPARTMENT  
100 BAYER ROAD  
PITTSBURGH, PA 15205

EXAMINER

SALVATORE, LYNDIA

ART UNIT

PAPER NUMBER

1771

5

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b> <u>A-S-5</u>	
	09/868,211		JANSEN ET AL	
	<b>Examiner</b>		<b>Art Unit</b>	
	Lynda M Salvatore		1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☒ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Specification***

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### ***Arrangement of the Specification***

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

1, 2001.)

(c) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(d) BRIEF SUMMARY OF THE INVENTION.

(e) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(f) DETAILED DESCRIPTION OF THE INVENTION.

(g) CLAIM OR CLAIMS (commencing on a separate sheet).

(h) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 17 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 18-24 are further rejected for their dependency on claim 17.
5. Claim 17 is indefinite because it is unclear to the Examiner what the Applicant means by "reckoned" in line 2.
6. Claim 23 recites the limitation "softeners" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 14-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dybdal et al., WO 96/19611 and Carroll, US 3,847,543 and further in view of Laas et al., US 5,731,396.

The published PCT application to Dybdal et al., discloses method of producing wool having improved shrink resistance, anti-felting, whiteness, dyeability, and softness properties (Abstract). The method comprises exposing the wool fibers to plasma treatment and a proteolytic enzyme (Abstract). The wool fibers may include wool from sheep, camel, rabbit, goat and lama,

(i.e., merino or shetland wool) (Page 9, 34-37). Dybdal et al., further teaches adding softeners either simultaneous with the enzyme treatment or after the plasma treatment. Suitable softeners include organic cationic or silicone based products (Page 16, 20-37).

Dybdal et al., fails to teach adding an aqueous dispersion of isocyanates, however, the patent issued to Carroll discloses treating wool substrates with polyisocyanate solutions to impart reduce shrinkage (Abstract and Column 1, 24-30).

Carroll does not explicitly teach the claimed polyisocyanate composition, however, the patent issued to Laas et al., discloses a water dispersible polyisocyanate mixture suitable for use as textile coatings (Column 8, 9-13). The isocyanate mixture comprises an isocyanate group content (calculated as NCO molecular weight 42) of 7.0 to 21.5 weight percent, an ethylene oxide content (calculated as molecular weight 44) of 5 to 25 weight percent and an average NCO functionality of 1.8 to 4.6 (Column 3, 34- Column 4, 17). The polyisocyanates are selected from the group consisting of aliphatically or cycloaliphatically having NCO functionality from 2.1 to 5.0 (Column 4, 27-34). The number of ethylene oxide units is more than 10 (Column 6, 49-50). The amount of ethylene radicals, based on the total quantity of alkylene radicals is at least 80 mole percent (Column 5, 15-17). With regard to claim 26, since the solutions of Laas are aqueous it is reasonable to presume that the solution would be applied to wool by any known method in the art such as dipping, spraying, rolling or padding.

Therefore, motivated to increase the shrink resistance of wool textiles it would have been obvious to one having ordinary skill in the art to coat the wool substrate of Dybdal et al., with the polyisocyanate binder mixture of Laas et al. Motivation to specifically treat wool substrates with isocyanate are found in the explicit teachings of Carroll.

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9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dybdal et al., WO 96/19611 in view of Laas et al., US 5,731,396 as applied to claim 17, and further in view of Vogel et al., US 5,047,065.


Dybdal and Laas et al., fail to teach adding a slip agent but the patent issued to Vogel et al., discloses an aqueous finishing agent for textiles which may further comprise auxiliary anti-slip agents (Abstract and Column 4, 25). Vogel et al., fails to teach a specific anti-slip agent however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known anti-slip agent since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416

*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner could be directed to Lynda M Salvatore whose telephone number is 703-305-4070. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

ls   
December 16, 2002

  
CHERYL A. JUSKA  
PRIMARY EXAMINER